

STATE OF IOWA
DEPARTMENT OF COMMERCE
BEFORE THE IOWA UTILITIES BOARD

OFFICE OF CONSUMER ADVOCATE, Petitioner, v. WINDSTREAM IOWA COMMUNICATIONS, INC., Respondent.	DOCKET NO. FCU-2016-_____ (C-2016-0126)
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REQUEST FOR FORMAL PROCEEDING

Pursuant to Iowa Code § 476.3, the Office of Consumer Advocate (OCA), Iowa Department of Justice, requests a formal proceeding on the complaint in this matter. In support of the petition, OCA states:

1. On September 9, 2016, Scott Hand, Story County District Court Administrator, Mare Steil, Story County District Court Fiscal Officer, and Diane Tott, Story County Clerk of Court, submitted the following complaint regarding telephone service outages at the Story County courts:

During the past 46 days, we've had 4 significant and lengthy outages lasting as much as full business days. (See detail on the attached spreadsheet). We work through Aureon who is doing its best to help us; however, the problem lies with Windstream. The court system cannot be without reliable phone service. Phones are used to serve the public as well as to conduct telephonic court hearings, conferences and training. The problem has reached a chronic level and the routine response from Windstream seems to be that the problem cannot be addressed until midnight.

2. The spreadsheet alleged the following specific outages (all 2016):
 - Mon., July 25, 8:15 a.m. – “phones down all day”
 - Wed., Aug. 10, 8:00 a.m. – “phones down all day”
 - Tues, Aug. 30, 2:00 p.m. – “phones down 2pm to close of business”
 - Fri., Sept. 9, 8:00 a.m. – “still unresolved as of 10:45 a.m.”¹

Notes on the spreadsheet indicate the outages were due to “an equipment issue – bad card on router” at Windstream. Notes indicate Aureon asked Windstream to escalate, but Windstream would not repair until midnight.

3. On September 13, 2016, staff forwarded the complaint to Windstream and, in accordance with Iowa Code § 476.3, directed Windstream to investigate the matter and provide a response to the complaint, including the following particulars: “the cause of the outages on the attached spreadsheet, rationale for the delay in restoring telephone service, Windstream’s resolution to this matter, and any other information that may assist Board staff in resolving this complaint.”

4. On September 13, 2016, staff forwarded the complaint to Aureon and asked Aureon to provide any information that may assist Board staff in resolving the complaint, including an explanation of the service Aureon provides for the Story County District Court.

5. On September 19, 2016, Aureon submitted a response and accompanying trouble ticket summaries on each of the four alleged outages. The letter advised that Aureon leases Ethernet from Windstream to provide service to the Story County courts and six other customers (which were also out service due the same equipment). The letter stated: “We share the frustration that was outlined in this complaint. We have tried repeatedly to get this

¹The complaint was submitted at 10:52 a.m. on September 9.

resolved with Windstream. . . . [W]e have repeatedly been told by Windstream that it will have to wait until the maintenance window for resolution. This is unacceptable from both our perspective and our customers.”

6. Aureon’s trouble ticket summary for July 25 gave the following timeline:

0912	customer report.
1100	Aureon opens ticket with Windstream.
1315	Aureon calls for status, Windstream updates that MOP [Method of Procedure] created to fix in emergency maintenance window at midnight. Aureon requests more details. Windstream states they will investigate and call back.
1411	Aureon calls for escalation.
1500	Aureon works with customer to place CFW (call forward) on their main line.
0000	Windstream emergency maintenance performed.
0700 (7/26)	Aureon confirms service restored and requests RFO [Reason for Outage] from Windstream. No RFO received from Windstream.

7. Aureon’s trouble ticket summary for August 10 gave the following timeline:

0842	customer report.
0854	Aureon opens ticket with Windstream.
0916	Aureon contacts Windstream, Tamika Buckman, and informs her that multiple Aureon customers are affected. Also advised that same circuits affected as 7/25 outage.
0919	Aureon works with customer to place CFW on their line.
1111	Aureon contacts Windstream for status/escalation. Informed that their DNOC [Data Network Operations Center] has confirmed circuits are down.
1323	Aureon contacts Windstream for status/escalation. Windstream acknowledges outage but has not isolated yet.

1727 Aureon contacts Windstream for status/escalation. Windstream informs us that a core router reload will be required in emergency window at midnight.

Midnight Windstream preforms emergency maintenance.

0830 (8/11) Aureon confirms service restored for customer.

8. Aureon's trouble ticket summary for August 30 gave the following timeline:

1400 Customer report.

1529 Aureon opens ticket with Windstream.

1700 Aureon contacts Windstream for status/escalation. Windstream (Rinata) states she believes outage related to a cable cut that started mid-morning. Aureon tech explains that this outage started at 2 pm so Rinata states she will research and get back to us. Aureon attempts 2nd level escalation with contact Marsha Hunt however her office voicemail was full so left voicemail on her after hours number.

1736 Aureon contacts Windstream for status/escalation. Requests to speak with Rinata. Courtney does not know a Rinata. Aureon tech attempts additional escalation contact—Brad Dull. Leave voicemail on office number. Attempted Brad's after hours number but it states does not accept incoming calls.

1812 Windstream/Rinata contacts Aureon and confirms outage is NOT related to Windstream cable cut. New Windstream ticket provided—30385169. Windstream states that they have router issues that will have to be fixed during midnight maintenance window. Also state they will not perform any type of reroute.

1849 Aureon attempts additional escalation to Thyra Carmichael—left voicemail.

2125 Aureon attempts additional escalations. Leave voicemail for Director David Bull, and attempt VP Bill Major but voicemail box is full.

0053 (8/31) Aureon contacts Windstream for status. Windstream confirms router was rebooted and service restored.

1251 (8/31) Aureon attempts to e-mail Windstream contact Debra Grasso to address chronic issue but get bounceback e-mail indicating user unknown.

- 1600 (9/2) Aureon attempts to e-mail Windstream contact Marsha Hunt to address chronic issue but gets bounceback e-mail indicating user unknown.
- 1619 (9/2) Aureon e-mails Windstream contact Gregory Hodgson to address chronic issue.
- 2043 (9/5) Windstream Gregory Hodgson replies and directs Aureon to contacts at Carrier Operations Center.

9. Aureon's trouble ticket summary for September 9 gave the following

timeline:

- 0716 Aureon opens ticket with Windstream.
- 0820 Windstream (Steven) contacts Aureon for additional information, states that he will get the information to their DNOC.
- 0843 Aureon contacts Windstream Sr Director Mark Thompson and requests escalation assistance. Mark hands call off to Richard Lehmann, who is responsible for chronic troubles. Richard requests e-mail detailing trouble history. Aureon sends e-mail to Richard.
- 1031 Aureon contacts Windstream DNOC for status. Speaks with Roger who informs us that the router will have to be reloaded at midnight. Also states that the router is set to be decommissioned.
- 1129 Windstream (Richard) contacts Aureon and states that they found that this router is completely down and affecting many more customers. Also states that their DNOC is working to get it restored or replaced.
- 1400 Windstream (Richard Lehman) informs Aureon that currently only 4 customers impacted by this issue. Their plan is to reload the router during the tonight maintenance window as they would have to take down over 200+ other customers fix this during the day.
- 1536 Aureon attempts additional unsuccessful escalations with [several identified] Windstream contacts
- 1600 Aureon speaks with Richard Lehmann and unsuccessfully attempts to convince him that restoration should not be delayed for maintenance window when multiple Aureon customers (7) are experiencing an outage situation.
- 0049 (9/10) Aureon confirms service restored.

9/13/16 Aureon sends formal request for RFO to Windstream.

9/14/16 Windstream provides RFO.

10. On September 30, 2016, Windstream responded to the complaint. The response stated that Windstream resells telephone service to Aureon and “is not Mr. Hand’s service provider.” The response denied receipt of trouble tickets or notes on the account other than a call from an unidentified person from Story County on July 25 to advise they could not make outbound calls. The response stated: “we reached out to our Nevada Local Operations Manager who advised that the above-referenced complaint would have been associated with an equipment issue in Grinnell (CYAN Z77 shelf 04y).” According to the response, the July 25 outage was due to a fiber cut by contractors placing fiber for another utility and started at approximately 6:15 p.m., with restoration at 2:30 a.m. According to the response, there was a “CYAN issue” in Grinnell starting at 6:45 a.m. on September 8, with restoration at 10:18 a.m., and again starting at 10:45 a.m. on September 9, with restoration at 1:10 p.m.

11. On October 4, 2016, Board staff issued a proposed resolution. The proposed resolution concluded that telephone service was cleared within 72 hours and hence within the maximum time frame specified at 199 IAC 22.6(3)“a”(3). The proposed resolution stated: “If Aureon believes Windstream is unresponsive to its repair requests, there is a Board established process in place for such complaints.”

12. OCA agrees that Aureon could file a wholesale complaint. Such a filing is not, however, necessary. Regardless of whether such a filing is made, there is a need to resolve the retail complaint filed by the Story County court officials. The Board has full authority to investigate the retail complaint, including jurisdiction over Windstream if and to

the extent Windstream is responsible for the outages, as the complaint alleges. In light of the many interrelationships between and among companies that form the present voice communications network, it is not unusual that investigation of a complaint will lead to a provider or providers other than the customer's retail provider. The information provided by Aureon was provided in response to the Board's request.

13. Windstream's response to the complaint is "inadequate," and there is a "reasonable ground" for investigation. See Iowa Code § 476.3(1). The response does not adequately address and resolve the cause of the outages, the rationale for the delay in restoring service, and Windstream's resolution to this matter, as requested by staff. Windstream does not deny the allegation by the court officials that Windstream repeatedly delayed repairs until midnight, leaving the court without phone service for the entire day. Nor does Windstream provide a rationale for the delay. With respect to the alleged outages on July 25 and September 9, the times reported by Windstream are discrepant with those reported by the court officials and Aureon. Windstream's response does not address the alleged outages on August 10 and 30 at all. Most importantly, perhaps, the response offers no assurance of any kind that any action has been taken to prevent an additional outage or outages of like nature and duration in the future.

14. Investigation is needed to determine whether the reported delays in clearing the outages were compliant with Board rules. The 72-hour maximum clearance time for all outages set forth in the rules is not the only relevant requirement set forth in the rules. As observed in the proposed resolution, the rules provide: "When a customer's service is reported . . . to be out of order, it shall be restored as promptly as possible. 199 IAC 22.6(3)"g." And again: "When interruptions are reported . . . , the utility shall reestablish

service with the shortest possible delay.” 199 IAC 22.6(3) (introductory paragraph).

Indeed, because the courts commonly deal with urgent matters, investigation is needed to determine whether the reported delays were compliant with 199 IAC 22.6 “b”

(“Arrangements shall be made to have adequate personnel and equipment available to . . . clear trouble of an emergency nature at all times”).

15. Investigation is needed to determine whether the condition of Windstream’s telephone plant, including the router that allegedly caused the outages, was compliant with Board rules requiring that the utility’s telephone plant “be designed, constructed, installed, maintained and operated . . . in accordance with accepted good engineering practice . . . to ensure, as far as reasonably possible, continuity of service, uniformity in the quality of service furnished, and the safety of persons and property.” 199 IAC 22.5(1). See also 199 IAC 22.5(11)“b” (“Maintenance shall include keeping all plant and equipment in a good state of repair consistent with safe and adequate service performance”); 199 IAC 22.5(11)“f” (“All regulated outside plant facilities shall be properly maintained including replacement of equipment when broken, damaged or when necessary for good transmission”).

16. The Board should seek assurances that action has been taken to prevent a future outage or outages of like nature and duration. In addition, if violations are found, the Board should place the company on written notice of the violations pursuant to Iowa Code § 476.51 (2015), so as to permit the assessment of a civil penalty in the future if and when violations recur. Such a notice would send an appropriate message to this and other companies that compliance is expected.

For the foregoing reasons, OCA requests a formal proceeding.

Respectfully submitted,

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